

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



11th Floor, State Capitol
Phone (402) 471-2522
Fax (402) 471-6599

Synopsis Case #14-15

Action Taken on October 16, 2015

Respondent: Doug Teaford

The Respondent was a member of the Keith County Board. A complaint was filed on July 30, 2014 by Keith County resident Tom Kalkowski alleging that the Respondent: a) had a potential conflict of interest and failed to make a written disclosure of the potential conflict in violation of §49-1499.03; and b) used his public office for personal financial gain in violation of §49-14,101.01 of the NPADA. The allegations arose at a meeting of the Keith County Board sitting as the Board of Equalization. In a decision entered in May of 2014, the Nebraska Supreme Court ruled that "improvements" to land owned by Central Nebraska Public Power District which were being used for residential purposes are subject to taxation. On July 16, 2014 the Keith County Assessor presented the Board with a list of properties in Keith County which might be subject to taxation pursuant to the Supreme Court decision. The list included a tract of land on which the respondent held a long term lease and on which there was an "improvement" or house owned by the respondent. The Respondent voted "not to approve" adding the property on the list to the tax rolls.

The parties entered into a settlement agreement by the terms of which the Commission could find a violation of §49-14,101.01(1) and assess a civil penalty of not more than \$1,750.00. The allegation of a violation of §49-1499.03 would be dismissed. The Commission approved the Settlement Agreement, found a violation and assessed a civil penalty of \$1,750.00 with eight Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent had used his public office for personal financial gain in violation section 49-14,101.01(1) of the NPADA.

Civil Penalty: \$1,750.00

Attorney for Commission: Neil Danberg

Attorney for Respondent: Joshua Wendell, Ogallala

Synopsis Prepared by:

Frank Daley
Executive Director
Nebraska Accountability & Disclosure Commission
P.O. Box 95086
Lincoln, NE 68509
402-471-2522

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Douglas Teaford

CASE NO. 14-15

Respondent

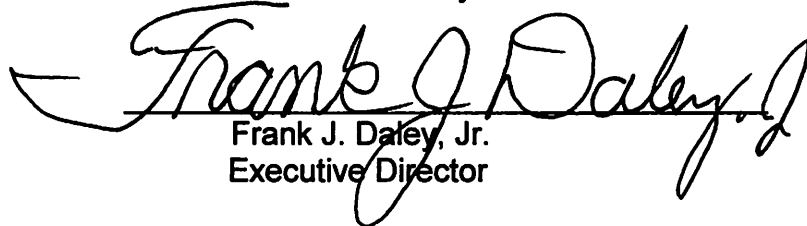
ORDER

Now on this 16th day of October, 2015, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Conway, Enenbach, Gale, Loudon, Peetz, Schulz, von Gillern and Ziebarth are present with Commissioner Schulz presiding. The Respondent is not present. Neil Danberg appears on behalf of the Commission. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission with eight (8) Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that the attached Settlement Agreement should be and hereby is approved and incorporated into this Order. Pursuant to that Agreement, the Commission finds that the Respondent has committed a violation of Nebraska Revised Statutes, Section 49-14,101.01(1), as more fully explained in the attached Settlement Agreement. The Commission imposes a civil penalty of \$1,750.00

Issued this 16th day of October, 2015

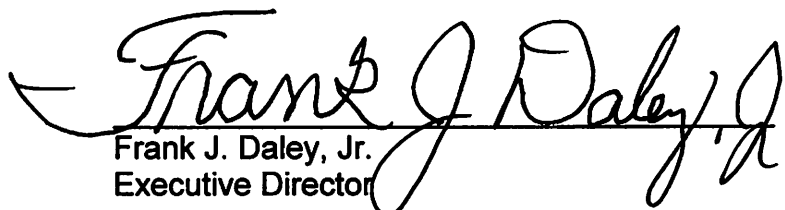
Nebraska Accountability and Disclosure Commission



Frank J. Daley, Jr.
Executive Director

Certificate of Service

I hereby certify that a copy of this Order was sent by certified U.S. Mail, postage prepaid, return receipt requested on this 16th day of October, 2016, to the following at the following address or addresses: Tom Kalkowski, 1205 Highland Drive, Ogallala, Nebraska 69153; Douglas Teaford, 320 East B Street, Ogallala, Nebraska 69153; and by regular U.S. Mail to his attorney, Josh Wendell, McQuillan and Wendell, PC, LLO, P.O. Box 478, Ogallala, Nebraska 69153.



Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

CASE No. 14-15

In the Matter of DOUGLAS TEAFORD

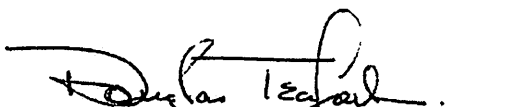
SETTLEMENT AGREEMENT

- 1) **Parties:** The parties to this Settlement Agreement (hereinafter "Agreement") are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Douglas Teaford, hereinafter referred to as the "Respondent".
- 2) **Jurisdiction:** The Respondent acknowledges the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act ("NPADA").
- 3) **Intention:** The parties hereby agree that this Agreement shall constitute a waiver of a formal hearing on the alleged violation as described in Paragraphs 4 and 7 of this Agreement, thereby resolving the matter without further delay and expense to the parties.
- 4) **The Alleged Violations:** In its Notice of Preliminary Investigation, the Commission alleged Respondent violated the NPADA as follows: **First Alleged Violation:** Section 49-1499.03, which requires public officials to file a Potential Conflict of Interest Statement when facing a possible conflict of interest; and **Second Alleged Violation:** Section 49-14,101.01(1), which prohibits office-holders from using their public office for personal financial gain.
- 5) **Stipulations and Findings:** The Respondent and the Commission stipulate and agree that at the time of the alleged violation, the Respondent was a County Commissioner of Keith County, Nebraska, and, as such, he served on the Board of Equalization for Keith County. While serving as a member of the Board of Equalization, on or about July 16, 2014, he voted in favor of a motion which had the effect of not placing certain properties on the tax rolls.
- 6) **Dismissal of First Violation as part of this Agreement:** Under the terms of this Agreement, the Commission will dismiss the First Alleged Violation under Section 49-1499.03, as noted above in Paragraph 4
- 7) **Second Alleged Violation and Finding:** The Second Alleged Violation, as identified in Paragraph 4 of this Agreement was described in the Notice of Preliminary Investigation as follows: "That Douglas Teaford, a County Commissioner and member of the Board of Equalization in Keith County, Nebraska, on or about July 16, 2014, used his official position as a member of the Keith County Board of

Equalization to obtain financial gain for himself, by voting not to tax a parcel of land in which he had a financial interest in violation of Section 49-14,101.01(1) of the Nebraska Revised Statutes."

For his part, the Respondent states that it was not his intention to violate Nebraska law as alleged. Nonetheless, the Respondent agrees and stipulates that if this matter proceeded to a hearing, there is sufficient evidence from which the Commission could find that there has been a violation as alleged and that the Commission may enter an order in accordance with said finding, and that he would not contest such a finding.

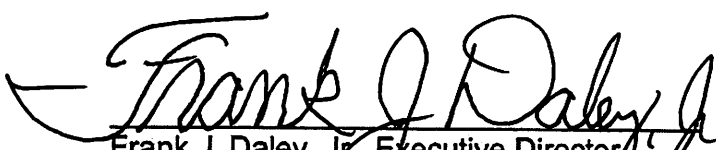
- 8) Civil Penalty: The parties have agreed that, if the Commission elects to impose a civil penalty for the violation, as described in Paragraph 4 and 7 of this Agreement, the amount of the civil penalty imposed upon the Respondent will not exceed \$1,750.00.
- 9) The NADC must approve this Agreement in order for it to be Effective: The parties agree that in order for this Agreement to become effective, the Commission must approve it and shall, if it approves the Settlement, enter an Order in accordance with the terms of this Agreement.
- 10) Effective Date of Agreement: This Agreement shall not be binding upon the parties until the date it is approved by the Commission and the Commission issues an order in accordance with the terms of this Agreement. The date upon which the Commission enters its Order approving this Agreement shall be deemed its effective date. If this Agreement is not approved in whole by the Commission, this Settlement Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge that this Settlement Agreement and any subsequent Order shall be announced at an open public meeting of the Commission and that the vote on such matters shall take place during the Closed Session portion of the meeting. The parties acknowledge that upon adoption, this Settlement Agreement, the Order and the Commission's file pertaining to this matter shall become open and public.
- 11) Right to Address the Commission: The Respondent and his attorney have a right to address the Commission on the matter of the amount, if any, of the civil penalty and approval of this Settlement Agreement.
- 12) Advice of Counsel: The Respondent acknowledges that he has had an opportunity to seek the advice of his attorney in connection with the terms of this agreement.



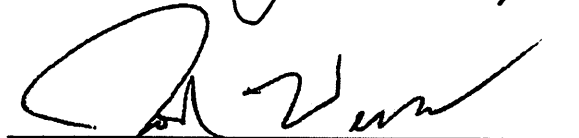
Douglas Teaford, Respondent

9/14/15

Date


Frank J. Daley, Jr., Executive Director
Nebraska Accountability and Disclosure Commission

10-16-15
Date


Approved as to Form, Josh Wendell
Attorney for Douglas Teaford

9-14-2015
Date